

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/153,621 09/15/98 SMITH

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ADAN AYALA  
THE BLACK & DECKER CORPORATION  
701 E JOPPA ROAD TW199  
TOWSON MD 21286

DINH, T

ART UNIT

PAPER NUMBER

2841

DATE MAILED:

07/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/153,621

Applicant(s)

SMITH, ROGER Q.

Examiner

Tuan T Dinh

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 11 May 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ .<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____ . |
|---|--|

## DETAILED ACTION

Applicant's election without traverse of Group I in Paper No. 13 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 4 is unclear. Is a first protection bar **flexibly** connected to the housing or a first protection bar flexible connecting to the housing?

Regarding claim 3, line 2 is unclear. Is a connector assembly **flexibly** connected to a first protection bar or a connector assembly flexible connecting to the housing?

Regarding claim 6, line 2 is unclear. Is a second protection bar **flexibly** connected to the housing or a first protection bar flexible connecting to the housing?

The use of the term "**flexibly connected**" remains unclear. Does applicant mean to say that a bar is flexible-or-the connection of the bar to the housing is flexible.

Applicant's response is not clear as to what is meant by "**flexibly connected**." Further if applicant intends to mean the connection to the housing is flexing, the applicant maybe subject to 112.1. If applicant means the bar is flexible, it is suggest to change the last line of claim 1 to read --a first flexible bar connected to the housing--.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over W. O. Brown (U. S. Patent 2,058,407).

As best understood to claim 1, Brown discloses an audio equipment as shown in figures 1-4 comprising a housing (element 1 and 2, see figure 1) having audio circuitry (3, 6, see figure 1). The equipment includes a first protective bar (14, column 2, line 14) flexibly connected to the housing. Brown does not teach the first protective bar is flexible, however, "flexible" is a relative term since virtually anything will flex if enough pressure is applied to it. —Fredman v. Harris-Hub Co., Inc. (DC NIII) 163 USPQ 397 (column 2, lines 57-61, column 3, lines 1-11, and column 4, lines 52-62).

As to claim 2, Brown discloses an audio equipment as shown in figures 1-3 further comprising a handle (21, column 2, lines 53-54) that is attached (19, see figure 1) to the first protective bar.

As best understood to claim 3, Brown discloses the audio equipment as shown in figures 1-4 further comprising a connector assembly (16) connecting the first protective bar to the housing.

As best understood to claim 6, Brown discloses an audio equipment as shown in figures 1-4 further comprising a housing a second protective bar (15, column

2, line 21) flexibly connected to the housing. Brown does not teach the second protective bar is flexible, however, "flexible" is a relative term since virtually anything will flex if enough pressure is applied to it. –Fredman v. Harris-Hub Co., Inc. (DC NIII) 163 USPQ 397) (column 2, lines 57-61, column 3, lines 1-11, and column 4, lines 52-62).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Collins et al (U. S. Patent 3,698,780).

Brown discloses the claimed invention, except for the connector assembly having a flexible gasket, and the gasket is disposed between the bar and the housing. Collins teach a radio cabinet (C) having a connector assembly (25). The assembly has a flexible gasket (30) which is disposed between protection bar (12) and housing (C).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the equipment of Brown and provide the flexible gasket as taught by Collins in order to protect the housing when the connector assembly fasteners into the housing.

***Response to Arguments***

Applicant's arguments filed 5/11/01 have been fully considered but they are not persuasive. Applicant argues a protective bar that:

- (1) protect a housing of a radio; and
- (2) protect the radio when dropped.

Examiner argues:

Bar 14/15/21 is the functional equipment of the claimed protective bar because it serves to (1) protect the housing and (2) protect the audio equipment when dropped. Therefore, it is not understood how applicant can conclude that bar 14/15/21 does not serve to protect?. The leg assembly while indeed serves to support the radio in place, additionally, will also serve to protect the radio cabinet when dropped.

Applicant further argues the bar 14/15/21 assembly is not flexibly connected to the housing. This is not understood. A handle portion (21) is bent to each over the top of the housing.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jones and Schultz et al disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3431 for regular communications and 703-308-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD  
July 26, 2001

